P I S —

File No. 1113 of 1935.

Collection No.

19 .

Office of the Resident

in Mysore,

Bangalore.

D I vice to 7.

9am
4.7.47.

Pros. Serial Nos. 1- 4.

Subject.

Free allowance of water for the Railway Buildings in the C & M. Station Bangalore

Previous References.

420 of 1902.

Later References.

1 A
22/10/45

S. 97.—(Blue).

MFP—1367 S&P—(M-1907)—8-3-35—60,000.

Reserved
after 9th reprint

NOTES AND PRECIS.

D.No.8801 S.N.(1)

Draft endorsement to P.M.C. is submitted.

13.9.35.

14.9.35

T.N.T.
13-9-35

S.N.(2) Issue.

D.No. 9602 S.N. (3) cor.p. 6

Please see S.N. 1 and 2 Corps. 1 and 5

Draft submitted.

(From para 2)

9.10.35

11/22

T.N.T.
11-10-35.
22.

Spoken to the Assistant Secretary.

The history of the case is given below:-

In exercise of the authority conferred on him by the Government of India, Foreign Department Notification No.1832-I.B., dated the 24th April 1903, the Hon'ble the Resident was pleased to determine Rs.2,000/- as the sum which the Madras & Southern Mahratta Railway Company should pay to the Civil & Military Station Municipality in lieu of the tax on houses and buildings. Based on this

this sum a free allowance of 2,22,222 gallons per mensem was allowed to the Madras & Southern Mahratta Railway Company till the year 1926 as calculated in the margin according to the rules then in force.

*P.121 of the Old Bangalore Municipal Law.

If the House & Water tax be Rs.12/- the rent of the building would be Rs.100/-
- do - Rs.2,000/- - do - $\frac{100}{12} \times \frac{2000}{1}$ or Rs. $\frac{50,000}{3}$ or Rs. $16,666\frac{2}{3}$.
If the rent be Re.1/- the free allowance is 160 gallons.
- do - Rs. $\frac{50,000}{3}$ -do- $\frac{50,000}{3} \times 160$ = $2,666,666\frac{2}{3}$ gallons per annum or 222,222 gallons per mensem.

In memorandum from this Residency No.2196/342-1898

x S.N.88 342-I-98 of (2)

dated the 11th March 1924 the Resident was pleased to confirm the resolution of the Municipal Commission No.162 & 163 dated 6-12-1923 approving among other things the proposal that the free allowance of water be reduced from 160 gallons to a flat rate of 120 gallons per rupee of rental, with a minimum of 3000 and a maximum of 15,000 gallons per mensem. According to the above resolution the Madras & Southern Mahratta Railway Company was entitled to a free allowance 2,000,000 gallons per annum or $166,666\frac{2}{3}$ gallons per mensem at 120 gallons per rupee of rental. But the Municipality granted a free allowance of 165,000 gallons per mensem at the rate of 15,000 gallons for each of the 11 metered blocks i.e. 1666 gallons less than the quantity to which the Railway Company were entitled.

θ If the rent be Re.1 the free allowance is 120 gallons.
- do - Rs.16,666 2/3 - do - $\frac{50,000}{3} \times 120$ or 2,000,000 gallons per annum or $166,666\frac{2}{3}$ gallons per mensem.

The Municipal Commission, with the previous approval of the Hon'ble the Resident have made further amendments with effect from the 15th May 1934 to the rules in regard to the charges to be levied for the supply of water to the Station. Under the revised rules the free allowance in respect of all buildings to which a private connection has been granted shall be calculated at the rate of 100 gallons per month for every rupee of the monthly rental

θ P. 147 of Engl. ed. 6th Edition.

rental of the house, subject to a minimum of 2000 gallons and a maximum of 5000 gallons per mensem.

According to the above rules the Madras and Southern Mahratta Railway Company Limited would be entitled to the following free allowance:-

If the rent be Re.1/- the free allowance is 100/. gallons.
- do - Rs.16,666⅔ - do - $\frac{50,000}{3} \times 100$ or $\frac{5,000,000}{3}$ or 1,666,666⅔ gallons per annum or 138,888 gallons per mensem.

8.14.1 / 113 of 35 of (M)

But the Municipal Commission granted 55,000 gallons for the 11 metered blocks at the maximum rate of 5000 gallons per block i.e. 83,888 gallons less than the quantity to which the Railway Company are entitled.

(5)

8.14.3 P.a.6.

The President, Municipal Commission himself states that there are about 50 buildings in the Railway Colony. If all the 50 buildings were supplied with separate meters, according to the existing rules each building would be entitled to the free allowance of 33,333⅓ gallons per mensem (per annum of 2777⅞ gallons)

The total tax paid by the Railway Coy. Rs.2,000/- Average Tax for each one of 50 buildings. Rs. 40/- If the House & water tax be Rs.12/- the rental would be Rs.100. - do - Rs.40/- - do - $\frac{100}{12} \times 40 = \frac{1000}{3}$ If the rent be Re.1/- the free allowance is 100 gallons. - do - Rs.333 1/3 - do - $\frac{1000}{3} \times 100 =$ 33,333⅓ gallons per annum or 2777⅞ gallons per mensem.	For 50 buildings the Railway Company would get 138,888 gallons per mensem as

free allowance. If the Agent asks for separate meters for each building the Municipal Commission will have to provide them.

If the free allowance is calculated on the basis of the number of meters as has been done by the Municipal Commission, the free allowance should be admitted with effect from the date of the installation of meters and not with effect from an arbitrary date.

If approved the claim of the Agent for the refund of Rs.83-14-9 may therefore be accepted and the President

may

may be asked to refund Rs.83-14-9.

8) Before issuing order to this effect the file may be sent u.o. to the President, Municipal Commission for remarks.

(From para 3)

T.N.T
4-1-36.

9 The question of the fixation of free allowance of water for the Railway Company has passed through three phases, with the first two of which we need not concern ourselves. The phases are :-

(i) when the allowance was fixed at 2,22,222 gallons per mensem

(ii) when the allowance was fixed at 1,65,000 gallons per mensem

(iii) when the allowance was fixed at 55,000 gallons per mensem.

10 There can be no question of doubt that when the allowance was fixed at 2,22,222 gallons, that quantity was arrived at after taking into account Rental value and tax paid.

11 While on the face of it, it would appear that in the second phase the allowance was fixed at 1,65,000 gallons by the simple process of multiplying the number of meters by the maximum number of gallons allowed to a residential quarter (in the present case 11 X 15,000 = 1,65,000.), one cannot help feeling that calculation on the rental value &c was not ignored. It is quite possible that the figure was rounded off because of the very small difference.*

* 1,666 p.m.

12 In the third phase the question of rental value has been entirely ignored.

13 The Railway Company have not asked us to adjudicate on

on the decision arrived at. Their present request is restricted to a refund of Rs.83/14/9.

The question of the quantity of water admissible may be examined first. Three solutions present themselves:-

(a) The rental value. Under this the Railway Company would be entitled to 1,38,888 gallons per mensem - para 4 supra.

(b) Residential. There are 30 residential quarters; it is however reasonable to suppose that some would be entitled to 2,000 gallons while others 5,000. It would therefore not be unreasonable to strike an average 3,500 per residential quarter or 105,000 gallons for the 30 quarters.

(c) No. of meters. There are 11 (now 14) meters. 5,000 gallons per meter would give 55,000 (now 70,000).

14

The Railway Company is one of the big consumers and it is always preferable to keep such consumers contended. If for example it dawned on the Company that it could get more free allowance by the addition of meters, and had installed a meter per quarter, it is quite likely that the Municipal Commission would refuse to allow 5,000 gallons per meter on the ground that on a rental basis some of the quarters could not get more than 2,000 gallons per memsem. If the question of the refund was examined purely in the light of this and the preceding para, it would seem that the Company have a just claim for refund. There may be good grounds for refusal but these are not apparent from the p.u.c. The file may be sent to the President, Municipal Commissioner for an expression of his views.

15

7.100 of 1935

In another file the Mysore Government have told the Railway Company plainly that they are entitled to free

wa

water on a rental basis; and it may be assumed that the Company will raise the larger question at no distant date.

Secy.

25.1.36.

16 R.V.C. may see U/O for remarks as proposed. If we are right in assuming that the Company would be entitled to 1,38,888 gallons free supply on a rental Basis, & we can hardly claim to be treating them with undue generosity in allowing 70,000 gallons on the Basis of 14 meters: and it may be advisable to grant the comparatively small refund which has been claimed.

of over 1,00,000 gallons on a "Residential" Basis,

25.1.36.

To.
The President, Municipal Commission,
C. & M. Station, Bangalore

U.O. No: D. 9602, dated the 27th January 1936

R.D.
MUNICIPAL OFFICE
21.7.36
29 JAN. 1936
BANGALORE CITY STATION
with file

MUNICIPAL COMMISSION,
REVENUE
29 JAN 19
DEPARTMENT
C. & M. STATION, BANGALORE.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

U.O. No. G.T. 7/36 dated 13th Jan. 36

File

I agree to the refund of the sum of Rs.83-14-9 claimed by the Madras and Southern Mahratta Railway

I-R 100 3617
with file

(P.V.G)

Company.

Draft submitted for approval.

(From para 16)

S.N.(4) Issue.

Aug (1)

A. I.

THE MADRAS AND SOUTHERN MAHRATTA RAILWAY CO., LD.

(Incorporated in England.)

POST BOX No. 523.
TELEGRAMS :—" FREIGHT ", MADRAS.
TELEPHONE :—2901.

AGENT'S OFFICE,
PARK TOWN,
MADRAS.

IN REPLY PLEASE QUOTE—

No. M.279-G-20 Dated 9th/10 September 1935

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
11 SEP 1935
Regd. No. 8801
File No.

The First Assistant to the Hon'ble the Resident in Mysore,
Bangalore.

Sir,

Excess water charges - Bangalore Cantonment.

I have the honour to bring to your notice that the Cantonment Municipality proposed to levy water tax in the year 1903. An appeal was then made to the Hon'ble the Resident in Mysore who in his Proceedings No. 4045, dated 27th August 1903 fixed the house and water taxes payable by this Railway at Rs.2000/- Based on this sum a free allowance of ~~xxx~~ 2,22,222 gallons per mensem was allowed to this Railway by the Bangalore Cantonment Municipality till the year 1926.

S.N.24
F.424-1902
(L)

In the year 1926 the water supply rules of the Municipality were revised and the municipality granted a free allowance of 1,65,000 gallons per mensem at the rate of 15,000 gallons for each of the 11 metered blocks.

The rules were again modified in 1933. Under the revised rules the Municipality granted 55,000 gallons for the 11 metered blocks at the rate of 5000 gallons per block.

Since then three additional meters were fixed to the Railway buildings during July, August and October 1934 respectively. This was pointed out to the President, Municipal Commission and he was requested to grant the usual free allowance of 5000 gallons per meter from the dates of the installation of the new meters and to refund

the sum of Rs.83-14-9 collected in excess of the actual amount due to the Municipality vide copy of letter No.M.279-G/20 of 23/24-4-35.

The President accepted the above contention of the Railway and conceded increased free allowance in respect of these additional meters only from 1-4-35, and not from the date of their installation.

In the circumstances, I request that you will kindly issue instructions to the President for the early refund of the sum of Rs.83-14-9 referred to above.

I have the honour to be,

Sir,

Your most obedient servant,

Agent.

Encls: 2

Copy of letter No.M.279-G/20 dated 23/24th April 1935, from the Agent, M & S.M. Railway, Madras to the Secretary, Municipal Commission, C & M Station, Bangalore.

Excess water charges due on Railway buildings at Bangalore Cantonment.

With reference to para 3 of your letter No.G.C. 5348/34, dated the 28th February 1935, to the District Engineer of this Railway, I have the honour to point out that in para 4 of this office letter No.M.279-G/20 of 8/10th November 1934, you were requested to allow 55,000 gallons per mensem in respect of the old 11 metered blocks under the existing rules in place of 1,65,000 gallons per mensem allowed since 1925. Since July 1934, three new meters have been installed. This Railway is therefore entitled to an additional 15,000 gallons or a total of 70,000 gallons in respect of the 14 metered blocks.

Based on the above, the amount payable works out to Rs.1017-3-9 against Rs.1101-2-6 paid to you for the period July 1934 to March 1935 as per enclosed statement.

I shall therefore be glad if you will kindly arrange to refund the sum of Rs.83-14-9 being the excess amount collected from the Railway.

--

1. Month		2. Consumption.	3. Free allowance. Allowance by the Cant.	4. Free Allowance allowable.	5. Amount as claimed & paid under protest. Rs. As. Ps.	6. Amount Payable. Rs. As. Ps.	7. Difference. Rs. As. Ps.	8. Remarks.
July	1934	56100	55,000	60,000	0. 13. 3	-	0. 13. 3	
August	"	152,770	55,000	65,000	73. 6. 0	65. 12. 8	7. 9. 4	
September	"	218,170	55,000	65,000	122. 11. 6	114. 14. 0	7. 13. 6	
October	"	286,630	55,000	70,000	173. 12. 9	162. 7. 7	11. 5. 2	
November	"	244,490	55,000	70,000	142. 2. 3	130. 14. 0	11. 4. 3	
December	"	251,600	55,000	70,000	147. 7. 6	136. 3. 2	11. 4. 4	
January	1935.	244,800	55,000	70,000	142. 6. 0	131. 1. 7	11. 4. 5	
February	"	265,800	55,000	70,000	158. 2. 0	146. 13. 7	11. 4. 5	
March	"	242,100	55,000	70,000	140. 5. 3	129. 1. 2	11. 4. 1	
					1,101. 2. 6	1,017. 3. 9	83. 14. 9	

RS I

S.N.2

15

THE OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,

Bangalore, the 23rd Sept. *193* 5.

23/9/35

No. F.1113-35
R.O.II

A copy of the undermentioned paper(s) is forwarded to the President, Municipal Commission, Civil and Military Station, Bangalore, for favour of remarks.

for information, in continuation of / with reference to the correspondence ending with (his)

Memorandum / letter / endorsement from

No. , dated the

By order, etc.,

~~Secretary~~ / Asst. Secy. to the Resident in Mysore.

List of papers.

S.N.1
C.I.

Letter from the Agent, Madras and Southern Mahratta Railway Co., Ltd., Madras, No.M.279-G-20, dated the ~~9th~~ 10th September 1935.

T.N.T.
13-9-35

13.9.35

13—2,000—17—4—1935.

6

No. 9.c5348/34

CIVIL AND MILITARY STATION, BANGALORE,
MUNICIPAL OFFICE,
DATED.....5.....10.....1935.

From

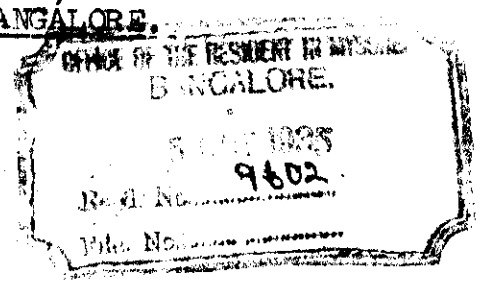
F. R. BRISLEE, ESQ., I. C. S.,

President, Municipal Commission,

Civil and Military Station, BANGALORE.

To

The Secretary to the Hon'ble the Resident
in Mysore,
BANGALORE.



SIR,

Subject:-Free allowance of water for the Railway Buildings in the Cantonment.

S.N.2
Cor.p.5

With reference to your endorsement No.F.1113-35/R.O.II., dated the 23rd September, 1935, forwarding for remarks copy of letter from the Agent, M. & S.M. Railway Co., Ltd., Madras, No.M.279-G-20, dated the 20th September 1935, I have the honour to reply as follows:-

S.N.1
Cor.p.1

2. The facts set forth in paras 1 & 2 of the Agent's letter are correct.

3. With the advent of the New Water Supply Scheme which came into force in 1933, the Municipal Commission were forced to revise the then existing scale of free allowances and excess water charges.

4. There are about 50 buildings in the Railway Colony, of which only 30 are residential quarters. Between the years 1926 and 1933, there were 11 meters in the Colony, but as the whole group of buildings had only 1 number for purposes of assessment, it was allowed the maximum free allowance of 15,000 gallons, permissible under the rules introduced in 1926 for a single building. On a protest made by the Railway that their Colony consisting of 50 buildings could not be treated as a single building, Mr. Russell, the then President, granted a free allowance of 165,000 gallons, calculated at the rate of 15,000 gallons for each of the 11 metered blocks.

5. The principle adopted by Mr. Russell could not be

followed when the New Water Supply came into force in 1933, so that free allowance was given for each of the metered buildings in the Colony at the rate of 100 gallons per rupee of rental, subject to a minimum of 2,000 gallons and a maximum of 5,000 gallons for each building, which worked out to 39,910 gallons and bills were issued for excess water consumed over and above that quantity. The Railway Company did not adjust these bills but referred to the previous treatment accorded to the Colony in the matter of free allowance.

6. Mr. MacIver, after careful consideration of the previous arrangements, allowed a consolidated free allowance of 55,000 gallons. In fixing this figure, he adopted as a standard of calculation, the rate of 5,000 gallons for each of the 11 metered blocks, though the Railway Company was not informed how this figure was arrived at. Bills were revised on this basis for excess water charges due up to the end of March 1935, which were paid by the Railway Company under protest. When fixing the 55,000 gallons, it was not Mr. MacIver's idea that that figure should be increased or decreased with the increase or decrease in the number of meters in the Colony. The Company's contention is that they should be given free allowance on the basis of the number of meters in existence during different months from July 1934 to March 1935; and that they should be given a refund of Rs.83-14-9 out of the amounts paid for the year ending the 31st March 1935.

7. In order to avoid further controversy, I fixed the free allowance of 70,000 gallons with effect from the 1st April 1935, which was the quantity asked for by the Company.

8. In the circumstances, there is hardly any justification for extending the concession referred to in para 7 supra to the preceding year, since the Company were given more free allowance than they could strictly and legally claim under the rules.

I have the honour to be,
Sir,
Your most obedient servant,

PRESIDENT, M. C.

DAW.5/10/35.

3
5.X.35

S.N.4

Issue
Ur 29/2/36
Issue 24-2-36

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft Letter ~~Memorandum~~ ~~Telegram~~

Class for telegrams | Ordinary | Express | Urgent* | Priority | Clear Line† | *Only for Foreign Telegrams. | †Not for Foreign Telegrams.

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

S.N.1 (M) C.F.1

(Code word for telegrams.)

No. F.1113-35 Dated 29 - 2 - 1936.

From R.O.II.

Secretary to the Resident.

To

The Agent,
M.& S.M.Ry.Co.Ltd.,
Park Town, Madras.

Excess water charges due on Railway Buildings at Bangalore Cantonment.

Sir,

With rereference to your letter No. M.279-G-20, dated the 10th September 1935, I am directed to say that the President, Municipal Commission, Civil and Military Station, Bangalore has agreed to the refund of the sum of Rs.83-14-9 claimed by the Railway Company.

I have etc.,

24/2

~~For~~ SECRETARY TO THE RESIDENT.

S.N.3 C.F.1 M.C.

Copy forwarded to the President, Municipal Commission, C. & M. Station, Bangalore, with reference to his letter No.G.C.5348/34, dated the 5th October 1935, with the request that arrangements may kindly be made for the refund of the amount.

T.N.T. 22-2-36.

26/2/36

S. 6.
MGIPC—S1—158(Genl)MFP—(M-1958)—8-5-34—50,000 Pads.